

CLOSED,PROSE-NP,TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:04-cv-01464-GK**

CANNING v. UNITED STATES DEPARTMENT OF
DEFENSE

Assigned to: Judge Gladys Kessler
Cause: 05:552 Freedom of Information Act

Date Filed: 08/27/2004
Date Terminated: 07/24/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

GEORGE CANNING

represented by **GEORGE CANNING**
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(703) 777-9451 EXT: 334
PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
DEFENSE**

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 TERMINATED: 06/18/2009

Date Filed	#	Docket Text
08/27/2004	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF DEFENSE (Filing fee \$ 150) filed by GEORGE CANNING. (Attachments: # <u>1</u> Exhibit Notice of Exhibits Filed)(rje,) (Entered: 08/30/2004)
08/27/2004	<u>2</u>	NOTICE OF RELATED CASE by GEORGE CANNING. Case related to Case No. 01-2569. (rje,) (Entered: 08/30/2004)
08/27/2004		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (rje,) (Entered: 08/30/2004)
09/22/2004	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. (rje,) (Entered: 09/24/2004)
09/28/2004	<u>4</u>	Consent MOTION for Extension of Time to <i>Within Which to Answer, Move or Otherwise Respond</i> by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Corn, Gary) (Entered: 09/28/2004)
09/29/2004		MINUTE ORDER granting <u>4</u> Defendant's Motion for Extension of Time to Answer Plaintiff's Complaint; Defendant shall have up to and including November 1, 2004 in which to answer or otherwise respond to the Complaint . Signed by Judge Gladys Kessler on 9/29/04. (CS,) (Entered: 09/29/2004)

09/29/2004		Set/Reset Deadlines: Answer due by 11/1/2004. (tth,) (Entered: 09/29/2004)
11/01/2004	<u>5</u>	Consent MOTION for Extension of Time to <i>Answer, Move or Otherwise Respond</i> by UNITED STATES DEPARTMENT OF DEFENSE. (Corn, Gary) (Entered: 11/01/2004)
11/01/2004		MINUTE ORDER granting <u>5</u> the Consent Motion for Extension of Time to Answer, Move, or Otherwise Respond; Defendant shall have up to and including November 15, 2004 to file its answer or other responsive pleading . Signed by Judge Gladys Kessler on 11/1/04. (CS,) (Entered: 11/01/2004)
11/15/2004	<u>6</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF DEFENSE.(Corn, Gary) (Entered: 11/15/2004)
11/16/2004	<u>7</u>	ORDER Initial Conference set for 12/10/2004 10:45 AM in Courtroom 19 before Judge Gladys Kessler; the parties' Rule 16 Statement is due on 12/1/04. Signed by Judge Gladys Kessler on 11/16/04. (CS,) (Entered: 11/16/2004)
11/26/2004	<u>8</u>	RESPONSE to order <u>7</u> setting initial scheduling conference filed by GEORGE CANNING. (rje,) (Entered: 11/29/2004)
12/10/2004	<u>9</u>	ORDER on matters discussed at the Initial Scheduling Conference on December 10, 2004; it is hereby ORDERED that the Government shall, by January 15, 2005, finish processing Plaintiff's FOIA request; that Plaintiff shall, by February 15, 2005, file, if necessary, an Amended Complaint; and the Government shall, by March 15, 2005, file a comprehensive dispositive motion, Plaintiff shall, by April 15, 2005, file an Opposition thereto, and the Government shall, by May 1, 2005, file a Reply . Signed by Judge Gladys Kessler on 12/10/04. (CS,) (Entered: 12/10/2004)
12/10/2004		Minute Entry for proceedings held before Judge Gladys Kessler: Initial Scheduling Conference held. (Court Reporter Beth Wasserman (Miller) (tth,) (Entered: 12/10/2004)
02/15/2005	<u>10</u>	MOTION for Leave to amend the complaint by GEORGE CANNING. (Attachments: # <u>1</u> Exhibit Amend Compaint)(zrje,) (Entered: 02/16/2005)
03/03/2005		MINUTE ORDER granting <u>10</u> Plaintiff's MOTION for Leave to Amend the Complaint . Signed by Judge Gladys Kessler on 3/3/05. (CS,) (Entered: 03/03/2005)
03/03/2005	<u>11</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF DEFENSE filed by GEORGE CANNING.(rje,) (Entered: 03/04/2005)
03/08/2005	<u>12</u>	NOTICE of Appearance by Kevin K. Robitaille on behalf of UNITED STATES DEPARTMENT OF DEFENSE (Robitaille, Kevin) (Entered: 03/08/2005)
03/08/2005	<u>13</u>	Consent MOTION for Extension of Time to <i>File Dispositive Motion</i> by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Robitaille, Kevin) (Entered: 03/08/2005)
03/08/2005		Set/Reset Deadlines: Dispositive Motions due by 3/21/2005. Response to Dispositive Motions due by 4/21/2005. Reply to Dispositive Motions due by 5/9/2005. (tth,) (Entered: 03/18/2005)
03/09/2005		MINUTE ORDER granting <u>13</u> Defemdant's Consent Motion for Extension of Time to File Dispositive Motion; Defendant has up to and including March 21, 2005 in which to file its dispositive motion; Plaintiff has up to and including April 21, 2005 in which to file his opposition thereto; and Defendant shall have up to and including May 9, 2005 to file a reply . Signed by Judge Gladys Kessler on 3/8/05. (CS,) (Entered: 03/09/2005)
03/21/2005	<u>14</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Exhibit DEX 1 – Phillips Decl# <u>2</u> Exhibit DEX 2 – Shirer Decl# <u>3</u> Exhibit DEX 3 – Bass Decl# <u>4</u> Exhibit DEX 4 – Covert Decl# <u>5</u> DEX 5 – Council Decl# <u>6</u> Exhibit DEX 6 – Blackborow Decl# <u>7</u> Exhibit DEX 7 – Talbott Decl# <u>8</u> Text of Proposed Order)(Robitaille, Kevin) (Entered: 03/21/2005)

04/22/2005	<u>15</u>	Memorandum in opposition to motion re <u>14</u> fpr summary judgment filed by GEORGE CANNING. (Attachments: # <u>1</u> Exhibit A-C# <u>2</u> Exhibit Declaration pf George Canning)(rje,) (Entered: 04/25/2005)
05/09/2005	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to <u>15</u> Memorandum in Opposition by UNITED STATES DEPARTMENT OF DEFENSE. (Robitaille, Kevin) (Entered: 05/09/2005)
05/09/2005		MINUTE ORDER granting <u>16</u> Defendant's Motion for Extension of Time; Defendant shall have up to and including May 19, 2005 in which to file its reply to Plaintiff's Rseponse to Defendant's Motion for Summary Judgment . Signed by Judge Gladys Kessler on 5/9/05. (CS,) (Entered: 05/09/2005)
05/19/2005	<u>17</u>	REPLY to opposition to motion re <u>14</u> to Dismiss or in the alternative for Sumary Judgment filed by UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> DoDD 5525)(Robitaille, Kevin) (Entered: 05/19/2005)
07/12/2007	<u>18</u>	NOTICE of Appearance by Brian Christopher Baldrate on behalf of UNITED STATES DEPARTMENT OF DEFENSE (Baldrate, Brian) (Entered: 07/12/2007)
07/16/2007	<u>19</u>	ORDER that the parties shall file a Status Report no later than August 1, 2007. Signed by Judge Gladys Kessler on 7/16/07. (CL,) (Entered: 07/16/2007)
07/16/2007		Set/Reset Deadlines: Status Report due by 8/1/2007. (CL,) (Entered: 07/16/2007)
07/30/2007	<u>21</u>	STATUS REPORT by GEORGE CANNING. (tg,) (Entered: 07/31/2007)
07/31/2007	<u>20</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF DEFENSE. (Baldrate, Brian) (Entered: 07/31/2007)
08/06/2007	<u>22</u>	ORDER granting <u>14</u> Defendant's Motion for Summary Judgment. Signed by Judge Gladys Kessler on 8/6/07. (CL,) (Entered: 08/06/2007)
08/06/2007	<u>23</u>	MEMORANDUM OPINION to the Order granting Defendant's Motion for Summary Judgment. Signed by Judge Gladys Kessler on 8/6/07. (CL,) (Entered: 08/06/2007)
08/19/2007	<u>24</u>	MOTION to Amend Judgment re: <u>23</u> Memorandum & Opinion, <u>22</u> Order on Motion for Summary Judgment by GEORGE CANNING (tg,) (Entered: 08/20/2007)
09/04/2007	<u>25</u>	Memorandum in opposition to re <u>24</u> MOTION to Amend/Correct <u>23</u> Memorandum & Opinion, <u>22</u> Order on Motion for Summary Judgment filed by UNITED STATES DEPARTMENT OF DEFENSE. (Baldrate, Brian) (Entered: 09/04/2007)
09/14/2007	<u>26</u>	REPLY to opposition to motion re <u>24</u> MOTION to Amend/Correct <u>23</u> Memorandum & Opinion, <u>22</u> Order on Motion for Summary Judgment filed by GEORGE CANNING. (tg,) (Entered: 09/17/2007)
07/16/2008	<u>27</u>	ORDER granting in part and denying in part <u>24</u> Plaintiff's Motion to Amend/Correct; the Defendant shall, by August 15, 2008, file an in camera declaration indicating whether it did or did not rely on Exclusion 3 in processing Plaintiff's FOIA request. Signed by Judge Gladys Kessler on 7/16/08. (CL,) (Entered: 07/16/2008)
07/17/2008		Set/Reset Deadlines: In camera declaration due by 8/15/2008. (tth) (Entered: 07/17/2008)
08/08/2008	<u>28</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Lanny James Acosta, Jr on behalf of UNITED STATES DEPARTMENT OF DEFENSE Substituting for attorney Brian C. Baldrate and Kevin K. Robitaille (Acosta, Lanny) (Entered: 08/08/2008)
08/15/2008	<u>29</u>	NOTICE of Submission In Camera by UNITED STATES DEPARTMENT OF DEFENSE re <u>27</u> Order on Motion to Amend/Correct, (Acosta, Lanny) (Entered: 08/15/2008)
02/04/2009	<u>30</u>	MOTION To Correct the Docket by GEORGE CANNING (tr) (Entered: 02/06/2009)

04/20/2009		MINUTE ORDER granting <u>30</u> Plaintiff's Unopposed Motion to Correct the Docket; the clerk shall correct the docket and its display on the PACER system for this case to show that its status remains Open. Signed by Judge Gladys Kessler on 4/20/09. (CL,) (Entered: 04/20/2009)
06/18/2009	<u>31</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kathryn Ann Donnelly on behalf of UNITED STATES DEPARTMENT OF DEFENSE Substituting for attorney Lanny J. Acosta, Jr. (Donnelly, Kathryn) (Entered: 06/18/2009)
09/17/2010	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kelly Lynell McGovern on behalf of UNITED STATES DEPARTMENT OF DEFENSE Substituting for attorney Kathryn A. Donnelly (McGovern, Kelly) (Entered: 09/17/2010)
08/08/2011	<u>33</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel James Everett on behalf of UNITED STATES DEPARTMENT OF DEFENSE Substituting for attorney Kelly McGovern (Everett, Daniel) (Entered: 08/08/2011)
06/26/2012	<u>34</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John J. Gowel on behalf of UNITED STATES DEPARTMENT OF DEFENSE Substituting for attorney Daniel J. Everett (Gowel, John) (Entered: 06/26/2012)
07/05/2012	<u>35</u>	ORDER: The Parties are to file a Joint Status Report, no later than July 20, 2012, indicating whether this case can be closed and, if not, what remains to be done. Signed by Judge Gladys Kessler on 7/5/12. (CL,) (Entered: 07/05/2012)
07/05/2012		Set/Reset Deadlines: Joint Status Report due by 7/20/2012 (CL,) (Entered: 07/05/2012)
07/20/2012	<u>36</u>	STATUS REPORT (<i>Joint</i>) by UNITED STATES DEPARTMENT OF DEFENSE. (Gowel, John) (Entered: 07/20/2012)
07/23/2012	<u>37</u>	ORDER closing this case. Signed by Judge Gladys Kessler on 7/23/12. (CL,) (Entered: 07/23/2012)